

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:13-cr-118

v.

HONORABLE PAUL L. MALONEY

KARLA SWIFT,

Defendant.

_____ /

MEMORANDUM OPINION AND ORDER

Defendant Karla Swift has filed a motion for modification or reduction of sentence pursuant to 18 U.S.C. §3582(c)(2) based on the modification of the Drug Quantity Table with respect to drug quantity.

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines modified U.S.S.G. § 2D1.1, the Drug Quantity Table with regard to drug quantity, and U.S.S.G. § 2D2.1(b). These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10(c).

However, the defendant is not eligible for a sentence modification. Defendant was sentenced to the statutorily authorized maximum of 60 months for her offense. After application of Amendment 782, the resulting guideline range remains 60 months. In her response to the Sentence Modification Report, Defendant concedes that under Amendment 782 her guideline

range remains the same. As the resulting guideline range has not been lowered by Amendment 782, the amendment is of no assistance to the defendant. Accordingly,

IT IS HEREBY ORDERED that Defendant Karla Swift's motion modification of sentence pursuant to 18 U.S.C. § 3582(c)(2) (ECF No. 15) is **DENIED**.

Date: December 10, 2015

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge